

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ETHAN MURPHY, *et al.*,

Plaintiffs,

-v-

PHILIPPE LAJAUNIE, *et al.*,

Defendants.

No. 13-cv-6503 (RJS)
JUDGMENT

RICHARD J. SULLIVAN, Circuit Judge:

WHEREAS, on August 10, 2016 this Court ordered, adjudged, and decreed a default judgment against Defendants on all of Plaintiffs' remaining claims as a result of Defendants' willful noncompliance with the Court's discovery orders and referred the action to Magistrate Judge Sarah Netburn for an inquest on damages;

WHEREAS, after Defendant 15 John Corp. filed a bankruptcy petition on August 25, 2016, the damage inquest proceeded against Defendants Philippe Lajaunie and La Boucherie Inc. only;

WHEREAS, Magistrate Judge Netburn issued a Report and Recommendation recommending an award to Plaintiffs of \$3,988,512.70 in damages, plus prejudgment interest with respect to compensatory damages under the New York Labor Law ("NYLL"); attorneys' fees of \$666,332.50; and costs of \$20,378.09;

WHEREAS, on February 15, 2019 this Court adopted Magistrate Judge Netburn's Report and Recommendation in its entirety;

WHEREAS, on February 22, 2019 this Court directed Plaintiffs to submit a proposed judgment, prejudgment interest calculation, and damages allocation, which Plaintiffs submitted on March 14, 2019; and

WHEREAS, on July 23, 2019 this Court entered an Order revising the amount of the judgment to reflect undisputed corrections to certain damages and directing Plaintiffs to submit a revised proposed judgment and allocation chart, which Plaintiffs submitted on July 29, 2019;


IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that judgment is entered against Defendants Philippe Lajaunie and La Boucherie Inc., jointly and severally, in the total amount of \$6,091,040.40, as follows:

1. \$3,988,326.67 is awarded to Plaintiffs and Class Members for compensatory and liquidated damages under the Fair Labor Standards Act ("FLSA") and NYLL and \$1,416,003.14 is awarded to Plaintiffs and Class Members for prejudgment interest under the NYLL, all of which shall be allocated among Plaintiffs and the Class Members as set forth in Exhibit 2 to Plaintiffs' July 29, 2019 letter;
2. \$666,332.50 is awarded to Class Counsel for attorneys' fees;
3. \$20,378.09 is awarded to Class Counsel for costs; and
4. A 15% penalty will be added with respect to the NYLL portion of this judgment, which totals \$5,287,590.98, that has not been paid to Plaintiffs upon expiration of ninety days following the issuance of judgment, or ninety days after expiration of the time to appeal and no appeal therefrom is then pending, whichever is later.

As judgment is now entered, the Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

Dated: August 1, 2019
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation